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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,023	02/08/2002	Sunil K. Gupta	29250-000558	7214
30594	7590	05/03/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			TRAN, PHUC H	
P.O. BOX 8910			ART UNIT	
RESTON, VA 20195			PAPER NUMBER	
			2616	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/068,023	<b>Applicant(s)</b> GUPTA ET AL	
	<b>Examiner</b> PHUC H. TRAN	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-18, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

This communication is in response to the applicant's response filed 2/14/06. The 8-9 and 19-20 are withdrawn in view of the amendment. Claims 1-7, 10-18, 21 and 22 are pending in the application. Detailed action is followed:

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7, 10-18 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Shlomot (U.S. Patent No. 6377931 B1).

- With respect to claims 1, 15, Shlomot teaches a system to compensate for the effects of packet delay on a voice over Internet protocol (VOIP) system, comprising:

a buffer for receiving speech packets in the VOIP system (block 260 in Fig. 2, col. 4, lines 41-43);

a playback device for adjusting the playback speed of the received speech packets (blocks 232, 230 and 240 in Fig. 2);

and a buffer manager (270 in Fig. 2) for detecting packet jitter in the buffer and for sending commands to the playback device to adjust playback speed based on the detection (bridge paragraph between col. 4 & 5; col. 5, lines 14-33).

- With respect to claim 2, Shlomot teaches wherein the buffer is a queue for handling incoming speech packets (e.g. jitter buffer in Fig. 2), the buffer performing jitter buffering and packet sequencing on the received speech packets (col. 4, lines 38-41).

- With respect to claim 3, Shlomot also teaches wherein the buffer manager controls the playback device to decrease the playback speed when the buffer manager detects packet jitter that delays arrival of a speech packet (e.g. when the arrival of the packet from the network 100 is underflow, the buffer manager provides a slow-play signal to 280 in Fig. 2).

- With respect to claim 4, Shlomot discloses wherein the buffer manager controls the playback device to increase the playback speed when the delayed packet arrives at the buffer (e.g. when buffer manager receives overflow, it signals fast-play to 208 in Fig. 2).

- With respect to claims 5, 13 & 17, Shlomot further teaches wherein packet jitter is a variation in packet delay that causes packets to arrive out of sequence at an end-point in the system (col. 4, lines 19-22).

- With respect to claims 6, & 14, Shlomot teaches wherein an end-point is a client in the system (e.g. Fig. 1).

- With respect to claims 7, & 18, Shlomot also teaches wherein the buffer manager checks length of the buffer and instructs the playback device to increase playback speed until the

length of the buffer returns to a nominal length, when the buffer manager determines that length of the buffer exceeds a specified length (e.g. depending on the level capacity of the buffer to increase or decrease the playback as Fig. 2).

- With respect to claim 10, Shlomot teaches wherein the buffer manager includes silence compression means that uses silence periods that are received between speech packets in the buffer to restore the length of the buffer to a nominal length (col. 1, lines 33-35).

- With respect to claim 11, Shlomot discloses wherein the buffer manager compresses the silence periods to return playback speed to a nominal speed (col. 2, lines 60-63).

- With respect to claim 12, Shlomot teaches wherein the buffer manager controls the playback device to adjust speed by an amount that is dependent on an expected or observed packet jitter (e.g. Fig. 2 shows that the buffer manager adjust the speed base on the overflow or underflow of buffer jitter).

- With respect to claim 16, Shlomot teaches further comprising performing jitter buffering and packet sequencing on the speech packets prior to performing the detecting step (e.g. col. 2, lines 39-45).

- With respect to claim 21, Shlomot teaches further comprising the step of restoring the length of a buffer storing the incoming speech packets to a nominal length, at a nominal playback speed, instead of at a higher playback speed, thereby compressing any silence intervals (col. 2, lines 48-51).

- With respect to claim 22, Shlomot teaches wherein the compressing step is performed when silence suppression is enabled in the VoIP system (col. 1, line 43-46).

*Allowable Subject Matter*

3. Claims 8-9 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

4. Applicant's arguments filed 2/14/06 have been fully considered but they are not persuasive.

- In response to Applicant's argument that "Shlomot discloses sending instructions to a decoder 240 to decode the audio packets for adjusting the playback speed, rather than sending commands related to adjust the playback speed to playback device". Examiner respectfully disagrees. In Fig. 2 of Shlomot, the playback device includes blocks 232, 230 and 240. The buffer management (270) sends control signals to the play unit (280) (see col. 5, lines 16-19) and also sends signals to compress logic (264) and expansion logic (262) (see col. 4, lines 55-67). Therefore, the buffer management of Shlomot sends control signals to playback unit (232, 230 and 240) to adjust the playback speed as the claim 1 discloses.

*Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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P.t  
4/20/06

  
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SUPERVISORY PATENT EXAMINER  
4/26/06